

32B-3-303 Acts making a person subject to this part.

- (1) One or more of the following acts constitute a nuisance activity:
 - (a) a single felony conviction within the last two years of:
 - (i) a retail licensee; or
 - (ii) supervisory or managerial level staff of the retail licensee;
 - (b) a single conviction under Title 58, Chapter 37, Utah Controlled Substances Act:
 - (i)
 - (A) of a retail licensee; or
 - (B) staff of the retail licensee;
 - (ii) within the last two years; and
 - (iii) made on the basis of an act that occurs on the licensed premises;
 - (c) three or more convictions of patrons of a retail licensee under Title 58, Chapter 37, Utah Controlled Substances Act, if:
 - (i) the convictions are made on the basis of an act that occurs on the licensed premises; and
 - (ii) there is evidence that the retail licensee knew or should have known of the illegal activity;
 - (d) a single conviction within the last two years of a retail licensee or staff of the retail licensee that is made on the basis of:
 - (i) pornographic and harmful materials:
 - (A) that violate Title 76, Chapter 10, Part 12, Pornographic and Harmful Materials and Performances; and
 - (B) if the violation occurs on the licensed premises;
 - (ii) prostitution;
 - (iii) engaging in or permitting gambling, as defined and proscribed in Title 76, Chapter 10, Part 11, Gambling, on the licensed premises;
 - (iv) having any video gaming device, as defined and proscribed by Title 76, Chapter 10, Part 11, Gambling, on the licensed premises;
 - (v) on the licensed premises engaging in or permitting a contest, game, gaming scheme, or gaming device that requires the risking of something of value for a return or for an outcome when the return or outcome is based upon an element of chance, excluding the playing of an amusement device that confers only an immediate and unrecorded right of replay not exchangeable for value;
 - (vi) a disturbance of the peace that occurs on the licensed premises; or
 - (vii) disorderly conduct that occurs on the licensed premises; or
 - (e) three or more adjudicated violations of this title within the last two years by a retail licensee or by staff of the retail licensee that result in a criminal citation or an administrative referral to the department relating to:
 - (i) the sale, offer for sale, or furnishing of an alcoholic product to a minor;
 - (ii) the sale, offer for sale, or furnishing of an alcoholic product to a person actually, apparently, or obviously intoxicated;
 - (iii) the sale, offer for sale, or furnishing of an alcoholic product after the lawful hours for the sale or furnishing; or
 - (iv) acts or conduct on the licensed premises contrary to the public welfare and morals involving lewd acts or lewd entertainment prohibited by this title.
- (2) For purposes of Subsection (1), in the case of a retail licensee that is a partnership, corporation, or limited liability company, a conviction under Subsection (1)(c) includes a conviction of any of the following for an offense described in Subsection (1)(c):
 - (a) a partner;
 - (b) a managing agent;

- (c) a manager;
- (d) an officer;
- (e) a director;
- (f) a stockholder who holds at least 20% of the total issued and outstanding stock of a corporate retail licensee; or
- (g) a member who owns at least 20% of a limited liability company retail licensee.

Amended by Chapter 307, 2011 General Session